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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,024	07/30/2003	Yih Yuh Lee	CIP2189A-NKT	7778

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H-A

Office Action Summary

Application No.

10/630,024

Applicant(s)

LEE, YIH YUH

Examiner

Hargobind S Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1, 3, 5 and 7 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 6 and 8-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 12-20 are objected to because of the following informalities:

Claim 12, line 2, "position charged" needs to be rephrased as –positive charged. As similar deficiencies also exist in claims 13 and 14, these claims are also objected.

Claims 15 and 18 are necessarily objected because of their dependency on the objected base Claim 12.

Claims 16 and 19 are necessarily objected because of their dependency on the objected base Claim 13.

Claims 17 and 20 are necessarily objected because of their dependency on the objected base Claim 14.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Taylor (US Patent Provisional Application No.: 60/472,639) hereinafter referred as Taylor.

Taylor discloses a liquid-actuated lighting container 1 (Figure 2) comprising:

- a cup body 3 defining a liquid cavity, a cup base 15 with a storage cavity downwardly extending from the cup body 3 (Figure 2, Para. 0017, 0018 and 0020);
- two sealing slots- receiving elements 27 and 29 – spacedly extending from the cup body 3 to the cup base 15 (Figure 2, Para. 0022);
- the terminals 27 and 29 positioned in the sealing slots, and each of the terminals 27 and 29 having its head portion extending within the liquid cavity, and its tail portion extending in the storage cavity (Figure 2, Para. 0022);
- a sealing arrangement – one-piece integral molding - for each of the terminals 27 and 29 (Figure 2. Para. 0031);
- an illumination unit, including an illuminator 9, received in the storage cavity attached to the cup base 15, and further comprising a circuit 21 connected to the terminals 27 and 29; and
- the illuminator 9 mounted on the circuit 21, and the two terminals 27 and 29 electrically connected to the circuit 21 via liquid filled in the liquid cavity defined by the cup body 3 (Figure 2, Para. 0023).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US Patent Provisional Application No.: 60/472,639), hereinafter referred as Taylor, in view of Dietz et al. (US Patent No.: 4,922,355).

Regarding Claim 3, Taylor discloses a liquid-actuated lighting container 1 (Figure 2) comprising two terminals electrically coupling an illuminator via liquid filled in the liquid cavity of the cup body. However, Taylor does not teach two resilient members electrically extended from the circuit for applying pressure against the terminals.

On the other hand, Dietz et al. ('355) discloses an illuminated beverage tumbler 10 (Figure 1) including two terminals 34 and 36 activating an illuminator 32 via liquid. Dietz et al. ('355) further teaches each of the terminals 34 and 36 attached to resilient members 38 and 40 respectively (Figure 1, column 2, lines 44-49) for maintaining positive electrical contacts between the terminals and circuit.

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the liquid-actuated lighting container of Taylor by providing resilient members as taught by Dietz for benefit and advantage of reliable operation by maintaining positive electrical contacts between the terminals and circuit.

Regarding Claim 5, Taylor in view of Dietz et al. ('355) discloses the liquid-actuated lighting container further comprising the compression springs 38 and 40 as the resilient members (Figure 1, column 2, lines 44-49).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US Patent Provisional Application No.: 60/472,639), hereinafter referred as Taylor, in view of Dietz et al. (US Patent No.: 4,922,355) as applied to claim 5 above, and further in view of Hock et al. (US Patent No.: 4,904,213).

Neither combined nor individual teaching of Taylor and Dietz et al. ('355) discloses a terminal having its tail portion slidably receiving on end of resilient member while other end electrically mounted on the circuit.

On the other hand, Hock et al. ('213) discloses a low-impedance electrical connector 10(Figure 1) comprising a terminal 30A having its tail end configured for receiving one end of the resilient member 40 maintaining positive electrical contacts with a device or a circuit (Figure 1, column 3, lines 55-63).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the liquid-actuated lighting container of Taylor in view of Dietz et al. ('355) by providing the electrical connector by Hock et al. ('213) for benefit and advantage of reliable operation by maintaining positive electrical contacts between the terminals and circuit.

Allowable Subject Matter

7. Claims 2, 4, 6 and 8-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art of record, including Taylor (US Patent Provisional Application No.: 60/472,639) and Dietz et al. (US Patent No.: 4,922,355), fails to show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a liquid actuated lighting liquid container combining:

- two terminals electrically connecting an illuminator via liquid, and each having a neck portion sealedly surrounded with a corresponding shaped sealing slot formed within the liquid retaining wall of the cup body as recited in Claim 2.

The combination, including a typical sealing components and their arrangement for electrical terminals, used for a liquid actuated liquid container, makes this invention unique.

Taylor (US Patent Provisional Application No.: 60/472,639) teaches a tumbler with an illuminator and two terminals activating an illuminator via liquid. Additionally, Taylor teaches sealing by integral molding of the terminals with the liquid retaining components. However, Taylor does not meet the structural limitation of the combination of the terminals and the liquid retaining wall as claimed by the applicant.

Dietz et al. ('355) discloses an illuminated beverage tumbler including two terminals activating an illuminator 32 via liquid. However, Dietz does not teach structural details the sealing arrangement adapted for sealing the terminals of the device.

Therefore, neither combined nor individual teaching of Taylor and Dietz meets the limitations of Claim 2.

Thus Claim 2 is objected over prior art.

Claims 4, 6 and 8-20 are necessarily objected because of their dependency on the objected base Claim 2.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lewis (US Provisional Application No. 60/428,391);

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS

11/23/2004



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